

Notification of Conflict of Interest Referral

For use in cases involving possible violations of 18 U.S.C. §§ 203, 205, 207-209 by current or former executive branch employees only; see reverse for summary of statutory/regulatory background. Please return directly to: U.S. Office of Government Ethics, 1201 New York Ave. NW, Suite 500, Washington, DC 20005-3917. Phone: Associate Director for Program Reviews (202) 482-9270. FAX: (202) 482-9238.

Agency Referring the Case DOI-OIG	Agency Case or Referral Number OI MT 09 0586 I	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input checked="" type="checkbox"/> U.S. Attorney for (district) <u>Montana</u> <input type="checkbox"/> DOJ, other
Date of Referral to DOJ March 01, 2011	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed. Florence A White Eagle, Agency Superintendent, Bureau of Indian Affairs - Fort Peck Agency, MT	

PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☒ YES ☐ NO ☐ UNCLEAR

PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

☐ **18 U.S.C. § 203 (Compensation for Representation Affecting the Government)**
Federal entity before which representation occurred: _____
Compensated representation on behalf of: _____
Were representational services rendered or to be rendered: ☐ by the employee ☐ or by another?

☐ **18 U.S.C. § 205 (Representation Affecting the Government)**
Federal entity before which representation occurred: _____
Representation on behalf of: _____

☐ **18 U.S.C. § 207 (Post-Employment)**
Federal entity before which representation occurred: _____
Representation on behalf of: _____
Was the communication/representation: ☐ oral? ☐ and/or written?
☐ Former employee termination service before January 1, 1991. Check subsections involved:
☐ 207(a) ☐ 207(b)(i) ☐ 207(b)(ii) ☐ 207(c)
☐ Former employee termination service on or after January 1, 1991. Check subsections involved:
☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☐ 207(c) ☐ 207(d) ☐ 207(f)
If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? ☐ Yes ☐ No

☒ **18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)**
Does the case involve the financial interest: ☒ of the employee? ☐ of the employee's spouse?
☐ Minor child? ☐ A firm with which the employee was negotiating for employment?
☐ Other? (specify) _____
Was a waiver sought? ☐ Yes ☒ No Was it granted? ☐ Yes ☒ No
Was the employee required to file a financial disclosure form? ☒ Yes ☐ No If yes, check form involved:
☐ SF 278 ☒ OGE Form 450 ☐ Other (specify) _____
If so, was the basis for the interest disclosed on the financial disclosure form? ☐ Yes ☒ No

☐ **18 U.S.C. § 209 (Supplementation of Salary)**
Type of supplementation (meals, travel, cash, etc.): _____
Value of supplementation: \$ _____ Number of supplements: _____

☐ **Additional Statutes Involved in Conflict of Interest Referrals**
Was 18 U.S.C. § 201 (bribery/gratuity) involved? ☒ Yes ☐ No
Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? ☐ Yes ☒ No
Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? ☐ Yes ☒ No
Was 18 U.S.C. § 1001 (false statements) involved? ☒ Yes ☐ No
Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? ☐ Yes ☒ No
Other (list): _____

Agency Contact/Telephone Number

Don Crook, Assistant Special Agent in Charge, DOI-OIG

303-296-8283

Date

March 22, 2011

OGE Form 202 (11/04)

Statutory/Regulatory Background

28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

PART III ADDITIONAL AGENCY COMMENTS (if any):

PART IV DISPOSITION OF REFERRAL (OGE use only):

☐ DOJ declined prosecution.

☒ DOJ initiated prosecution.

Resolution:

Employee has been indicted by the Federal Grand Jury

Agency disciplinary or corrective action, if any:

Employee has been placed on administrative leave

OGE Use Only

GSA Interagency Report
Control No: 0398-OGE-AR

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Agency Referring the Case DOI-OIG	Agency Case or Referral Number OIMT 09-0586-I	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input checked="" type="checkbox"/> U.S. Attorney for (district) <u>Montana</u> <input type="checkbox"/> DOJ, other
Date of Referral to DOJ March 01, 2011	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed. Florence A. White Eagle, Agency Superintendent, Bureau of Indian Affairs - Fort Peck Agency, MT	

PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☒ YES ☐ NO ☐ UNCLEAR

PART II STATUTE(S) INVOLVED IN THIS CASE

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Federal entity before which representation occurred: _____
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☐ **18 U.S.C. § 205 (Representation Affecting the Government)**

Federal entity before which representation occurred: _____
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☐ **18 U.S.C. § 207 (Post-Employment)**

Federal entity before which representation occurred: _____
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Was the communication/representation: ☐ oral? ☐ and/or written?

☐ Former employee termination service before January 1, 1991. Check subsections involved:

☐ 207(a) ☐ 207(b)(i) ☐ 207(b)(ii) ☐ 207(c)

☐ Former employee termination service on or after January 1, 1991. Check subsections involved:

☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☐ 207(c) ☐ 207(d) ☐ 207(f)

If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? ☐ Yes ☐ No

☒ **18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest)**

Does the case involve the financial interest: ☒ of the employee? ☐ of the employee's spouse?

☐ Minor child? ☐ A firm with which the employee was negotiating for employment?

☐ Other? (specify) _____

Was a waiver sought? ☐ Yes ☒ No Was it granted? ☐ Yes ☐ No

Was the employee required to file a financial disclosure form? ☒ Yes ☐ No If yes, check form involved:

☐ SF 278 ☒ OGE Form 450 ☐ Other (specify) _____

If so, was the basis for the interest disclosed on the financial disclosure form? ☐ Yes ☒ No

☐ **18 U.S.C. § 209 (Supplementation of Salary)**

Type of supplementation (meals, travel, cash, etc.): _____

Value of supplementation \$ _____ Number of supplements: _____

☐ **Additional Statutes Involved in Conflict of Interest Referrals**

Was 18 U.S.C. § 201 (bribery/gratuity) involved? ☒ Yes ☐ No

Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? ☐ Yes ☒ No

Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? ☐ Yes ☒ No

Was 18 U.S.C. § 1001 (false statements) involved? ☒ Yes ☐ No

Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? ☐ Yes ☒ No

Other (list) _____

Agency Contact/Telephone Number

Donn Crook, Assistant Special Agent in Charge, DOI-OIG

Date

July 05, 2011

OGE Form 202 (11/04)

Statutory/Regulatory Background

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PART III ADDITIONAL AGENCY COMMENTS (if any):

PART IV DISPOSITION OF REFERRAL (OGE use only):

☐ DOJ declined prosecution.

☒ DOJ initiated prosecution.

Resolution:

Employee was convicted at the conclusion of a jury trial on the following six felony counts: 18 USC 4- Misprision of a Felony, 18 USC 201-Bribery, 18 USC 208 - Financial Conflict, 18 USC 371-Conspiracy, 18 USC 1001 - Concealment / False Statements and 18 USC 1163 - Theft / Embezzlement from an Indian Tribal Organization.

Agency disciplinary or corrective action, if any:

Employee retired from federal service soon after being indicted by the Federal Grand Jury in March 2011.

OGE Use Only

GSA Interagency Report
Control No: 0398-OGE-AR

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